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In re Application of  
Gellrich et al.  
Application No.: 10/566,196  
PCT No.: PCT/EP04/07186  
Int. Filing Date: 02 July 2004  
Priority Date: 01 August 2003  
Attorney Docket No.: LO29-030  
For: Optical Imaging Device Having  
At Least One System Diaphragm

DECISION

This is in response to the renewed submission under 37 CFR 1.497(d) filed on 18 June 2008.

### DISCUSSION

In a Decision mailed on 28 March 2008, the declaration filed on 12 December 2007 was not accepted under 37 CFR 1.497(d), without prejudice, because

Regarding requirement (1), applicants have provided a statement by Mr. Humphries that "the omission of the inventive entity in the international patent application, PCT/EP2004/007186, filed July 2, 2004, occurred without any deceptive intention on my part." The meaning of this statement is unclear, though it appears that Mr. Humphries may have intended to refer to "the omission of my name from the inventive entity named..." Clarification is required.

It is also noted that the declaration filed on 12 December 2007 includes un-initialed alterations to the data pertaining to inventors Huber and Szekely. In view of these deficiencies, it would not be appropriate to accept the declaration.

In response, applicants have filed the instant response, including an acceptable statement by Mr. Humphries, as well as declaration documents properly executed by inventors Huber and Szekely. Thereby, applicants have now satisfied all of the requirements for relief under 37 CFR 1.497(d).

### DECISION

The declaration is **ACCEPTED** under 37 CFR 1.497(d).

This application is being forwarded to the Office of Patent Application Processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **18 June 2008**.

/George Dombroske/  
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